

**REMARKS**

Claims 1-24 are pending in the present application. Claim 17 is amended. Claims 1, 9 and 17 stand rejected under 35 U.S.C. § 103(a) over Applicants' admitted prior art ("AAPA") in view of U.S. Patent No. 5,434,852 to La Porta et al. ("La Porta"). Claims 2-8, 10-16 and 18-24 are rejected under 35 U.S.C. § 103(a) over AAPA in view of La Porta and further in view of U.S. Patent No. 6,909,690 to Xu et al. Applicants traverse and respectfully request reconsideration and withdrawal of the rejections thereto.

Among the limitations recited in independent claims 1 and 9 that are neither disclosed nor suggested in the art of record are the limitations of a "user data processing means for encapsulating and decapsulating user data" and a "resource management means for managing resources of the user data processor means, the resource management means being provided in the user data processing means." Similarly, independent claim 17 recites: "the user data processing means encapsulating and decapsulating user data and managing resources of the user-data processing means." These limitations were rejected in the Office Action by the combination of La Porta and AAPA. The cited portions of AAPA, paragraphs [0004] to [0006] of Applicant's specification, and La Porta do not teach the above-recited limitations.

The Office Action does not provide a citation to La Porta that teaches resource management is maintained in "the user data processing means," as recited in independent claims 1, 9 and 17. The Office Action is notably silent as to where resource management functions for data encapsulation and decapsulation are performed. La Porta describes "a distributed, server based communications network architecture in which various traditional call processing functions, such as switching fabric or channel control, call control, connection control are separated into distinct application processes with clearly defined interfaces for communications between these application processes." La Porta generally states that application processes, such as call control, connection control and channel control, may be implemented in separate physical or logically partitioned nodes – *i.e.*, in a distributed architecture. The mere fact that the application functions can be separated does not teach "resource management means being provided in the user data processing means," or "by the user data processing means" as required by the independent claims.

More importantly, In Fig. 5, La Porta shows that call control and connection control functions are managed by centralized call control servers 502 and connection servers 504, respectively. Those servers are not provided in the processing means that supplies processing resources for the call. The only function disclosed in La Porta that distributes management along with processing is the channel control function, as shown by channel control servers 506 and 511. But these processing resources merely set up VPI/VCI channels, and are not the claimed user data processing means where “user data is encapsulated and decapsulated.”

La Porta discloses that “[f]unctions related to channel control include a) management of resources such as, VPCIs and VCIs, on a link by link basis, and b) entries and updates of VCI translation table data that are needed to interconnect channels that are part of a connection.” La Porta discloses an ATM network, and as is well known in the ATM art, such encapsulation and decapsulation must be performed at the CPE, not at the switches that “switch information in 53-byte packets called ‘cells’ to support voice, data and video services.” La Porta, col. 5, ll. 4-6. Management of these link-by-link resources is not management of resources that encapsulate/decapsulate user data, and as such, La Porta does not disclose this element of the claimed invention. Consequently, the combination of La Porta with AAPA does not render the claimed invention obvious. For at least these reasons, independent claims 1, 9 and 17 are believed to be in condition for allowance.

Claims 2-8, 10-16 and 18-24 depend from claims 1, 9 and 17 and incorporate by reference the limitations found therein, and therefore are allowable for the same reasons. In addition, these claims recite additional limitations which, in combination with the limitations of the independent claims from which they depend, are not disclosed or suggested in the art of record.

For example, among the limitations recited in claims 2, 10 and 18 and that are neither disclosed nor suggested in the art of record are the requirements that the resource management means “manages at least an available resource ratio indicating a ratio of remaining bands and the number of remaining sessions relative to band resources and to number-of-sessions resources respectively of the user data processing means.” Paragraph 12 of the Office Action admits that AAPA and La Porta do not explicitly teach this limitation. Xu fails to cure.

Xu teaches that a call is admitted if the total effective bandwidth required by adding an incoming call is less than the provisioned bandwidth of the communication path. See Xu, col. 7, ll. 10-20. This is not the claimed available resource ratio, i.e., a ratio of remaining bandwidth relative to bandwidth resources of the user data processing means. Instead, it is a measure of whether the incremental bandwidth of the additional call will consume the bandwidth allocated under a customer service agreement, i.e., the amount of bandwidth that the customer is permitted to use, not what the equipment is capable of handling. See Xu, col. 7, ll. 14-15. In the absence of disclosing these claimed limitations, Xu cannot render independent claims 1, 9 and 17 obvious.

In view of the above remarks, Applicants believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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